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10/751,719	01/05/2004	Amalavoyal Chari	TROPOS-1007-1	2256
Brian Short Tropos Networks PO Box 641867 San Jose, CA 95164-1867				
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EXAMINER				
TRAN, CONGVAN				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/751,719

Applicant(s)

CHARI ET AL.

Examiner

CongVan Tran

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) 1-20 and 30-32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-29, 33 and 34 is/are rejected.
- 7) ☐ Claim(s) 35-40 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This office action is in response to amendment filed on Dec. 10, 2007.
2. Claims 1-20 and 30-32 have been canceled.
3. Claim 21 has been amend.
4. Claims 35-40 have been added.

Response to Arguments

5. Applicant's arguments filed Dec. 10, 2007 have been fully considered but they are not persuasive.
6. In response to applicant's argument regarding claim 1, that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "Layer 3 devices. Layer 3 devices have characteristic that they alter MAC header fields of data packet passing through them") are not recited in the rejected claim 1. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).
7. In response to applicant's argument regarding claims 33-34, that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "responding to APR requests with the MAC address of client device"). Examiner respectfully disagrees. In paragraph [0023] stated that "If the sending station's mapping table does not currently have an entry for the node 222.222.222.223, the sending station STA-1 must use the Address Resolution Protocol (ARP) to resolve the corresponding MAC address." Therefore, there is a request with

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the MAC address of client (STA-1) and request response to the client and modifying the MAC address to communicate with STA-2 through MAC address and IP address (see fig.2, paragraph [0022-0023]). With this broadest reasonable interpretation therefore, the previous rejection is proper.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claim 21-29 and 33-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Yeh (2005/0135422).

Regarding claims 21-23, Yeh discloses a method and apparatus for wireless relay within a network environment network comprising:

at least one layer 3 router (see fig.1 and its description), the method comprising:
at least one layer 3 router of the wireless network receiving data packets (see fig.1, paragraph [0022], fig.3, steps S310-S350 and its description);

at least one layer 3 router of the wireless network modifying MAC addresses of the data packets so that the layer 2 network device perceives the wireless network as a layer 2 network (see figs.1-2, paragraphs [0022-0023], fig.3, steps S350-S360. paragraph [0024] and its description).

Regarding claims 33-34, Yeh discloses a method and apparatus for wireless relay within a network environment network comprising:

the wireless network receiving data packets (see figs.1-2 paragraph [0022-0023], fig.3, steps S310-S350 and its description);

the wireless network modifying MAC addresses of the data packets so that the layer 2 network device perceives the wireless network as a layer 2 network (see fig.3, steps S350-S360, paragraph [0024] and its description);

the wireless network responding to an ARP of the layer 2 network device with the MAC address of the client by referencing a maintained map of IP and MAC addresses of each client device, wherein a source MAC address of the ARP response is a MAC address of a gateway of the wireless network (see fig.3, steps S350-S360, paragraphs [0024-0026] and its description).

Yeh further discloses the features described in claims 24-29 in paragraph [0024]-[0026], figs.1, 3, 5, 7 and its description).

Allowable Subject Matter

10. Claims 35-40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CongVan Tran whose telephone number is 571-272-7871. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571-272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Primary Examiner
Art Unit 2617

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